

**Appl. No.** : **10/720,712**  
**Filed** : **November 24, 2003**

## **REMARKS**

This Amendment is responsive to the non-final Office Action dated May 1, 2009 (“Office Action”). Applicant’s representative would like to thank Examiner Liu for the courtesy he extended during the telephone interview conducted on May 12, 2009.

### **I. Summary of the amendments**

By the foregoing amendments, Applicant is amending the claims as follows:

- The independent method claims are being amended along the lines discussed during the interview.
- Dependent claims 50 and 51 are being revised to maintain consistency with the corresponding independent claims.
- New dependent claims 65-68 are being added.

The new dependent claims, and the revisions to claims 50 and 51, are supported by at least Fig. 3A and paragraphs 0022, 0025, 0044 and 0053 of the specification. No new matter is being added.

### **II. The claims are patentably distinct from the cited art.**

All of the pending independent claims and many of the dependent claims stand rejected under 35 U.S.C. 102(e) as allegedly anticipated by Mateos (U.S. Pub. 2003/0050995). The Office Action also relies on secondary references to reject some of the dependent claims under 35 U.S.C. 103(a).

Applicant respectfully submits that the rejections are improper at least because Mateos does not disclose or suggest all of the elements of any independent claims. Mateos discloses a process in which a server incorporates “dynamic information” retrieved from a database into a requested web page together with executable instructions for formatting and displaying this data. Once the page is received by the web browser/user computer, the executable instructions cause this dynamic data to be properly displayed on the page.

As discussed during the interview, Mateos never discloses or suggests that the requested web page, or any portion of it, is or can be sent to the web browser/user computer before all of the dynamic information is retrieved from the database. To the contrary, the transmission of the page in Mateos does not begin until after the last database record has been retrieved. *See* Fig. 4, blocks 445-455 and paragraphs 0070-0073 of Mateos. Although paragraph 0080 of Mateo

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mentions that the dynamic information and corresponding instructions can alternatively be transmitted to the client computer “independently,” this does not suggest that the transmission of the page, or any portion of it, would begin before the dynamic information has been fully retrieved.

In view of the foregoing, even if the database in Mateos is treated as the “service” recited in the independent claims, Mateos does not disclose or suggest at least the following features of the independent claims, as amended herein:

Claim 1: “in response to the page request, sending a service request from the server to a service to request service data to incorporate into the web page; [and] before the service returns the service data, transmitting a first portion of the web page from the server to the user computer for display by the web browser, said first portion including viewable content that is viewable on the user computer while the service request is pending, and including a placeholder for the requested service data.”

Claim 18: “if the service does not return the requested service data within the selected time interval: (a) transmitting at least said portion of the web page to the web browser without the service data while the service request is pending, [and] (b) in response to receiving the requested service data from the service, transmitting the service data to the web browser.”

Claim 27: “(b) transmitting to the web browser at least a first portion of the web page, said first portion including content that is viewable within the web browser while the service request is pending; [and] (c) after the service responds to the service request by returning the service data, sending the service data to the web browser.”

Claim 52: “transmitting to the browser at least a first portion of the web page, said first portion including content that is viewable with the browser while the service request is pending; [and] after the service responds to the service request by returning the service data, sending the service data to the browser.”

For at least these reasons, the anticipation rejections of the independent claims are improper.

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### Dependent Claims

The rejections of the dependent claims are improper in view of their dependencies from corresponding independent claims discussed above. In addition, at least some of the dependent claims recite features that represent additional patentable distinctions over the cited art.

As one example, claim 8 (which stands rejected as allegedly anticipated by Mateos) states that “the placeholder for the requested service data is included within the first portion of the web page in response to a failure of the service to return the service data within a selected time interval.” The referenced portion of Mateos, paragraph 0028, simply does not disclose this feature. In this regard, the publishing module 240 mentioned in paragraph 0028 is apparently used to enable a developer to update web pages and templates as stored on the server, and is not used to update a web page on a client computer. See Mateos at paragraphs 0060-0062.

### III. Conclusion

In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the rejections and allow the application.

By amending the claims and pointing out distinctions over the references, Applicant is not disclaiming or disavowing any subject matter, and is not admitting that Mateos is prior art. In addition, by focusing on specific claims and claim recitations in the above remarks, Applicant does not imply an agreement with, and does not acquiesce in, the statements in the Office Action regarding other claims and claim recitations. Further, Applicant’s remarks in support of the patentability of one independent claim should not be imputed to any other independent claim, even if similar terminology is used.

If any issues remain, the Examiner is invited to call Applicant’s representative at 949.721.2950.

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Please charge any additional fees that may be due now or in the future, or credit any overpayment, to deposit account 11-1410.

Respectfully submitted,

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Dated: June 8, 2009

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